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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/768,121	01/23/2001	Frank O. Distler	BUR920000123USI	3330
34313	7590	07/27/2005	EXAMINER	
ORRICK, HERRINGTON & SUTCLIFFE, LLP			CHAUDRY, MUJTABA M	
IP PROSECUTION DEPARTMENT			ART UNIT	PAPER NUMBER
4 PARK PLAZA			2133	
SUITE 1600				
IRVINE, CA 92614-2558				
DATE MAILED: 07/27/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/768,121	DISTLER ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Mujtaba K. Chaudry	2133	

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM  
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 09 May 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-20 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-20 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 08 May 2001 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

## DETAILED ACTION

### *Response to Amendment*

Applicant's arguments/amendments with respect to amended claims 1, 9, 13, 15 and 17 and previously presented claims 2-8, 10-12, 14, 16 and 18-20 filed May 9, 2005 have been fully considered but are not persuasive.

Applicant contends, "...the prior arts of record fail to teach or suggest generating a original test vector data that targets a plurality of faults...and filling non-care bits..." The Examiner respectfully disagrees. Rohrbaugh teaches, for example, a method for **generating a compacted set of test sequences** (analogous to original test vector of the present application) for use by a tester that tests an integrated circuit having a scan register containing a plurality of bits that define test inputs for the integrated circuit. The method begins by **defining a list of faults for the integrated circuit** (analogous to for a plurality of faults) and generates a first test sequence that defines values for those inputs necessary (preferably only those inputs necessary), (analogous to test vector having care and non-care bits) to detect a target fault selected from the list of faults. The method then adds the first test sequence to a list of test sequences and marks the selected fault as detected. The method then generates an additional test sequence (analogous to filling/generating a test vector by filling non-care bits) that defines values for those inputs necessary (preferably only those inputs necessary) to detect a target fault selected from the list of faults, a fault other than one previously marked as detected. Finally, the preferred method determines whether the additional test sequence may be compacted with any test sequence (analogous to compressing the compressible test vector) in the list of test sequences, and if so,

compacts the additional test sequence with a test sequence in the set of test sequences. If the additional test sequence may not be compacted with any test sequence in the list of test sequences, the method adds the additional test sequence to the set of test sequences. The process of generating additional test sequences and compacting them, when possible, to sequences in the set of sequences is repeated until a compacted condition is reached.

The Examiner disagrees with the Applicant and maintains rejections with respect to amended claims 1, 9, 13, 15 and 17 and previously presented claims 2-8, 10-12, 14, 16 and 18-20. It is the Examiner's conclusion that amended claims 1, 9, 13, 15 and 17 and previously presented claims 2-8, 10-12, 14, 16 and 18-20 are not patentably distinct or non-obvious over the prior art of record. See prior office actions.

***Claim Rejections - 35 USC § 103***

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rajske et al. (6327687) in view of Rohrbaugh et al. (6067651).

*Conclusion*

Any inquiries concerning this communication should be directed to the examiner, Mujtaba Chaudry who may be reached at 571-272-3817. The examiner may normally be reached Mon – Thur 6:30 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, please contact the examiner's supervisor, Albert DeCady at 571-272-3819.

  
Mujtaba Chaudry  
Art Unit 2133  
July 21, 2005

  
GUY LAMARRE  
PRIMARY EXAMINER